App. F. IX-4

1940
193 .
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File No. 2-40
Serial Nos. 34

Previous References
Legis 29-39 (6) (11)
Legis

Later References.
Legis 2-40 (78)
" 2-41 (51)
W 25-42-8613.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. One only

Part B for November 1940.

SUBJECT.

Amendments to Enemy Property (Custody and Registration) Order — 1939.

WD 0573—GPB—22,500—12-9-39

Wilfrid Shoubridge
28.11.40.

Enemy Property (Custody & Registration) Order 1939 - amendments

General and Revenue Secretariat | Ly's File No. 2 of 1940. | [App. F. III-2

Serial No.

From

The Secretary to the Hon'ble the Resident

F 18-40/W dated 17th Sept. 1940 and 1st October 1940

forwarding amendments of the Indian Enemy Property

(Custody & Registration) Order, 1939.

The Enemy Property (Custody & Registration) Order, 1939

has been made in ~~India~~ Hyderabad under our Defence

of India Rules. Amendments thereto have also been

notified.

The present Amendments also will, if approved, be

adapted to Hyderabad.

Submitted with a draft

Sd/-
9/11/1940

For approval
Sd/-
9/11

Law Secy.)
I Member)

May be approved.

Hyderabad
9/11/40
Sd/-
11/11

Sd/-
12/11/40.

Hyderabad
12/11/40
Sd/-
12/11

Draft

Issued/P 2629. Legislative. 40. Dated 18.11.40.

The Comptroller

The notification has appeared in Part IV of the

Gazette Pt IV: 21.11.40: page 368

NOV 11 1940
No. 4593

TYPING SEC
18 NOV. 1940
GEN. & REV. SECTT.

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The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F.18-40/W.

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

CB (war)

CHIEF SECRETARY
3. OCT. 1940
GOVT. OF MYSORE.

Dated Bangalore, the 1st October *194* 0.

The Enemy Property (Custody and Registration) Order, 1939.

SIR,

I am directed to refer to my letter No.F.18-40/W, dated the 17th September 1940, and to draw attention to the notification by the Government of India, Department of Commerce, No.74(12)-Tr.(W)/39, dated the 19th September 1940.

Gazette of India 21.9.40 Pt I. P 1357

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

VN

1867/40 Col 5-24

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F.18-40/W.

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Dated Bangalore, the 17th September *194* 0.

The Enemy Property (Custody and Registration) Order, 1939.

SIR,

I am directed to refer to my letter No.F.18-40/W, dated the 23rd July 1940, and to draw the attention of the Government of Mysore to the notification by the Government of India, Department of Commerce, No.48(2)-Tr. (W)/40, dated the 5th September 1940

Ingest 7 issue 7.9.40 part I. p1291

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

KK

No. P 2629 Lgs 2-40-34 & 28.11.40.

Notification.

In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Enemy Property (Custody and Registration) Order, 1939, namely:-

I. In paragraph 3, for the words "enemy subject or enemy firm" wherever they occur the word "enemy" shall be substituted.

II. In paragraph 5, after the word "decree" the words "or orders of any other authority" shall be inserted

III. For paragraph 8, the following paragraph shall be substituted, namely:-

"8(1) Every bank carrying on business in Mysore which has any balances or deposits standing to the credit of ~~any~~ enemy shall, within two months of the vesting of his property, communicate to the Custodian in Form A full particulars of such balances or deposits, and may, within two months of such communication, communicate to the Custodian in Form AA full particulars of the debts, if any, owing to it by that enemy.

Note:- Claims submitted later will not be considered unless there are exceptional and valid reasons for the delay.

(2) Every company incorporated in Mysore and every company which ~~(they~~ though not incorporated in Mysore has a share transfer or share registration office in Mysore, shall, within two months of the vesting of the property of an enemy holding securities of the company, communicate to the Custodian in Form B full particulars of all securities of the company held by such ~~company~~ enemy

(3) Every firm carrying on business in Mysore, one or more partners of which are enemies, shall, within two months of the vesting of their property and thereafter at such intervals as may be prescribed by the Custodian, communicate to the Custodian in Form C full particulars as to any share of profits

and interest due to such enemies.

(4) Every person residing or carrying on business in Mysore by whom any money would, if a state of war had not existed, have been payable or paid to or for the benefit of an enemy by way of dividend, interest or share of profits shall, within two months of the vesting of his property, or if such money becomes payable after that period, within one month after it becomes payable, communicate to the Custodian in Form D full particulars of such money.

(5) Every person, other than a bank, residing or carrying on business in Mysore who owes any debts to an enemy shall, within two months of the vesting of his property, communicate to the Custodian in Form E full particulars of such debts.

(6) Every person residing or carrying on business in Mysore who has in his possession or control any property belonging to, or held by or managed on behalf of an enemy subject detained in an interment camp in British India, and not conveyed by the preceding sub-paragraphs shall, within two months of the vesting of the property, or if the property comes into his possession or control after the expiry of that period, within one month of his so coming into possession or control, communicate to the Custodian full particulars of such property in Form F, in the case of property held in safe custody, and in Form G, in the case of property held otherwise.

(7) Where a return of enemy property has been made in any quarter to the Custodian in Form F or Form G, particulars of any income dervied from such property during that and each subsequent quarter shall be communicated to the Custodian in Form H within one month of the expiry of the quarter; and if in any quarter no income has been derived the fact shall be reported to the Custodian in the same form within the said period.

(8) Where a return of any enemy property has been made to the Custodian in Form F any change in respect of any lien on the property claimed by any person making the return shall be reported to the Custodian in the same form within one month after the change has occurred or has been effected.

(9) Notwithstanding the provisions contained in the preceding sub-paragraphs, the Custodian may, if he thinks fit,--

(a) exempt any person or class of persons from making the returns mentioned therein, and

(b) extend in any particular case or class of cases the time limit laid down for the submission of such returns.'

IV. For sub-paragraph (1) of paragraph 11 the following sub-paragraph shall be substituted, namely:-

"(1) There shall be retained by the Custodian fees equal to two per centum of--

(a) the amount of monies paid to him;

(b) the proceeds of the sale or transfer of any property which is vested in him or of which the right of transfer is vested in him; and

(c) the value of the residual property, if any, at the time of its transfer to the original owner:

Provided that in the case of a firm whose property is vested in the Custodian but allowed by the Custodian to be managed by some person specially authorised in that behalf, there shall be levied a fee of two per centum of the gross income of the firm or such less fee as may be specifically fixed by the Government after taking into consideration the cost of direct management incurred by Government, the cost of superior supervision, and any risks that may be

incurred by Government in respect of the management."

By Order,

9/11/40

Secy. to Govt.
Law Dept.

9/11

To

The Compiler, Mysore Gazette, for publication in the Part IV Gazette and securing 100 spare Copies, Urg Early & Rs
Advce,

GOVERNMENT OF HIS HIGHNESS THE MAHARAIA OF MYSORE.

No. P2629
Typ 2-40-34

General and Revenue Secretariat,
Dated Bangalore 6th November, 1940

NOTIFICATIO

In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Enemy property (Custody and Registration) order, 1939, namely:-

I. In paragraph 3, for the words "enemy subject or enemy firm" wherever they occur the word "enemy" shall be substituted.

II. In paragraph 5, after the word "decree" the words "or orders of any other authority" shall be inserted.

II. For paragraph 8, the following paragraph shall be substituted, namely:-

"8 (1) Every bank carrying on business in Mysore which has any balances or deposits standing to the credit of an enemy shall, within two months of the vesting of his property, communicate to the Custodian in Form A full particulars of such balances or deposits, and may, within two months of such communication, communicate to the Custodian in Form AA full particulars of the debts, if any, owing to it by that enemy.

Note.- Claims submitted later will not be considered unless there are exceptional and valid reasons for the delay.

2) Every company incorporated in Mysore and every company which though not incorporated in Mysore has a share transfer or share registration office in Mysore, shall, within two months of the vesting

vesting of the property of an enemy holding securities of the company, communicate to the Custodian in Form B full particulars of all securities of the company held by such enemy.

3) Every firm carrying on business in Mysore, one or more partners of which are enemies, shall, within two months of the vesting of their property and thereafter at such intervals as may be prescribed by the Custodian, communicate to the Custodian in Form C full particulars as to any share of profits and interest due to such enemies.

4) Every person residing or carrying on business in Mysore by whom any money would, if a state of war had not existed, have been payable or paid to or for the benefit of an enemy by way of dividend, interest or share of profits shall, within two months of the vesting of his property, or if such money becomes payable after that period, within one month after it becomes payable, communicate to the Custodian in Form D full particulars of such money.

5) Every person, other than a bank, residing or carrying on business in Mysore who owes any debts to an enemy shall, within two months of the vesting of his property, communicate to the Custodian in Form E full particulars of such debts.

6) Every person residing or carrying on business in Mysore who has in his possession or control any property belonging to, or held by or managed on behalf of an enemy subject detained in an interment camp in British India and not conveyed by the preceding sub-paragraphs shall, within two months of the vesting of the property, or if the property comes into his possession or control after the expiry of that period, within one month of his so coming into possession or control, communicate to the Custodian full particulars of such property in Form F, in the case of property held in safe custody, and in Form G, in the case of property held otherwise.

7) Where a return of enemy property has been made in any quarter to the Custodian in Form F or Form G, particulars of any income derived from such property during that and each subsequent quarter shall be communicated to the Custodian in Form H within one month of the expiry of the quarter; and if in any quarter no income has been derived the fact shall be reported to Custodian in the same form within the said period.

8) Where a return of any enemy property has been made to the Custodian in Form F any change in respect of any lien on the property claimed by any person making the return shall be reported to the Custodian in the same form within one month after the change has occurred or has been effected.

9) Notwithstanding the provisions contained in the preceding sub-paragraphs, the Custodian may, if he thinks fit,

a) exempt any person or class of persons from making the

b) extend in any particular case or class of cases the time limit laid down for the submission of such returns."

IV. For sub-paragraph (1) of paragraph 11 the following sub-paragraph shall be substituted, namely:-

"(1) There shall be retained by the Custodian fees equal to two per centum of--

a) the amount of monies paid to him;

b) the proceeds of the sale or transfer of any property which is vested in him or of which the right of transfer is vested in him; and

P.T.O.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. General and Revenue Secretariat,

Dated Bangalore ..... November, ...19ß 40

NOTIFICATION.

In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the enemy property (Custody and Registration) order, 1939, namely:-

I. In paragraph 3, for the words "enemy subject or enemy firm" wherever they occur the word "enemy" shall be substituted.

In paragraph 5, after the word "decree" the words "or orders of any other authority" shall be inserted.

III. For paragraph 8, the following paragraph shall be mmdi substituted, namely:-

"8 (1) Every bank carrying on business in Mysore which has any balances or deposits standing to the credit of an enemy shall, within two months of the vesting of his property, communicate to the Custodian in Form A full particulars of such bala-nces or deposits, and may, within two months of such communication, communicate to the Custodian in Form AA full particulars of the debts, if any, owing to it by that enemy.

Note.- Claims submitted later will not be considered unless there are exceptional and valid reasons for the delay.

2) Every company incorporated in Mysore and every company which though not incorporated in Mysore has a share transfer or share registration office in Mysore, shall, within two months of the vesting

vesting of the property of an enemy holding securities of the company, communicate to the Custodian in Form B full particulars of all securities of the company held by such enemy.

3) Every firm carrying on business in Mysore, one or more partners of which are enemies, shall, within two months of the vesting of their property and thereafter at such intervals as may be prescribed by the Custodian, communicate to the Custodian in Form C full particulars as to any share of profits and interest due to such enemies.

4) Every person residing or carrying on business in Mysore by whom any money would, if a state of war had not existed, have been payable or paid to or for the benefit of an enemy by way of dividend, interest or share of profits shall, within two months of the vesting of his property, or if such money becomes payable after that period, within one month after it becomes payable, communicate to the Custodian in Form D full particulars of such money.

5) Every person, other than a bank, residing or carrying on business in Mysore who owes any debts to an enemy shall, within two months of the vesting of his property, communicate to the Custodian in Form E full particulars of such debts.

6) Every person residing or carrying on business in Mysore who has in his possession or control any property belonging to, or held by or managed on behalf of an enemy subject (who is also an interment camp in British India or resides in a foreign country and not conveyed by the preceding sub-paragraphs shall, within two months of the vesting of the property, or if the property comes into his possession or control after the expiry of that period, within one month of his so coming into possession or control, communicate to the Custodian full particulars of such property in Form F, in the case of property held in safe custody, and in Form G, in the case of property held otherwise.

7) Where a return of enemy property has been made in any quarter to the Custodian in Form F or Form G, particulars of any income derived from such property during that and each subsequent quarter shall be communicated to the Custodian in Form H within one month of the expiry of the quarter; and if in any quarter no income has been derived, the fact shall be reported to the Custodian in the same form within the said period.

8) Where a return of any enemy property has been made to the Custodian in Form F any change in respect of any lien on the property claimed by any person making the return shall be reported to the Custodian in the same form within one month after the change has occurred or has been effected.

9) Notwithstanding the provisions contained in the preceding sub-paragraphs, the Custodian may, if he thinks fit,

a) exempt any person or class of persons from making the returns mentioned therein, and

b) extend in any particular case or class of cases the time limit laid down for the submission of such returns."

IV. For sub-paragraph (1) of paragraph 11 the following sub-paragraph shall be substituted, namely:-

"(1) There shall be retained by the Custodian fees equal to two per centum of--

a) the amount of monies paid to him;

b) the proceeds of the sale or transfer of any property which is vested in him or of which the right of transfer

c) the value of the residual property, if any, at the time of its transfer to the original owner: provided that in the case of a firm whose property is vested in the custodian but allowed by the Custodian to be managed by some person specially authorised in that behalf, there shall be levied a fee of two per centum of the gross income of the firm or such less fee as may be specifically fixed by the Government after taking into consideration the cost of direct management incurred by Government, the cost of superior supervision, and any risks that may be incurred by Government in respect of the management."

By order,

L.N. Haradaraopur
Secretary to Government
Law Department

To

The Compiler, Mysore Gazette, for publication in Part IV Gazette and sending 100 spare copies very early to this office.

NOTIFICATION.

No. P. 2629—*Legis.* 2-40-34, *dated Bangalore, the* 18*th November* 1940.

In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Enemy property (Custody and Registration) order, 1939, namely :—

I. In paragraph 3, for the words "enemy subject or enemy firm" wherever they occur the word "enemy" shall be substituted.

II. In paragraph 5, after the word "decree" the words "or orders of any other authority" shall be inserted.

III. For paragraph 8, the following paragraph shall be substituted, namely :—

"8 (1) Every bank carrying on business in Mysore which has any balances or deposits standing to the credit of an enemy shall, within two months of the vesting of his property, communicate to the Custodian in Form A full particulars of such balances or deposits, and may, within two months of such communication, communicate to the Custodian in Form AA full particulars of the debts, if any, owing to it by that enemy.

Note.—Claims submitted later will not be considered unless there are exceptional and valid reasons for the delay.

(2) Every company incorporated in Mysore and every company which though not incorporated in Mysore has a share transfer or share registration office in Mysore, shall, within two months of the vesting of the property of an enemy holding securities of the company, communicate to the Custodian in Form B full particulars of all securities of the company held by such enemy.

(3) Every firm carrying on business in Mysore, one or more partners of which are enemies, shall, within two months of the vesting of their property and thereafter at such intervals as may be prescribed by the Custodian, communicate to the Custodian in Form C full particulars

as to any share of profits and interest due to such enemies.

(4) Every person residing or carrying on business in Mysore by whom any money would, if a state of war had not existed, have been payable or paid to or for the benefit of an enemy by way of dividend, interest or share of profits shall, within two months of the vesting of his property, or if such money becomes payable after that period, within one month after it becomes payable, communicate to the Custodian in Form D full particulars of such money.

(5) Every person, other than a bank, residing or carrying on business in Mysore who owes any debts to an enemy shall, within two months of the vesting of his property, communicate to the Custodian in Form E full particulars of such debts.

(6) Every person residing or carrying on business in Mysore who has in his possession or control any property belonging to, or held by or managed on behalf of an enemy subject detained in an internment camp in British India and not conveyed by the preceding sub-paragraphs shall, within two months of the vesting of the property, or if the property comes into his possession or control after the expiry of that period, within one month of his so coming into possession or control, communicate to the Custodian full particulars of such property in Form F, in the case of property held in safe custody, and in Form G. in the case of property held otherwise.

(7) Where a return of enemy property has been made in any quarter to the Custodian in Form F or Form G, particulars of any income derived from such property during that and each subsequent quarter shall be communicated to the Custodian in Form H within one month of the expiry of the quarter; and if in any quarter no income has been derived, the fact shall be reported to the Custodian in the same form within the said period.

(8) Where a return of any enemy property has been made to the Custodian in Form F any change in respect of any lien on the property claimed by any person making the return shall be reported to the Custodian in the same form within one month after the change has occurred or has been effected.

(9) Notwithstanding the provisions contained in the preceding sub-paragraphs, the Custodian may, if he thinks fit,

(*a*) exempt any person or class of persons from making the returns mentioned therein, and

(*b*) extend in any particular case or class of cases the time limit laid down for the submission of such returns."

IV. For sub-paragraph (1) of paragraph 11 the following sub-paragraph shall be substituted, namely :—

"(1) There shall be retained by the Custodian fees equal to two per centum of—

(*a*) the amount of monies paid to him ;

(*b*) the proceeds of the sale or transfer of any property which is vested in him or of which the right of transfer is vested in him ; and

(*c*) the value of the residual property if any, at the time of its transfer to the original owner : provided that in the case of a firm whose property is vested in the Custodian but allowed by the Custodian to be managed by some person specially authorised in that behalf, there shall be levied a fee of two per centum of the gross income of the firm or such less fee as may be specifically fixed by the Government after taking into consideration the cost of direct management incurred by Government, the cost of superior supervision, and any risks that may be incurred by Government in respect of the management."

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore.